



# Price Agreement Amendment

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Printed: 9/4/2002

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
CAPITOL HILL  
PROVIDENCE RI 02908

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ABBOTT LABORATORIES INC  
ROSS PRODUCTS DIVISION  
DEPT 943/AP6C-3  
100 ABBOTT PARK RD  
ABBOTT PARK IL 60064

## DIETARY SUPPLEMENTS (MPA 25)

Amendment Date: 08/30/2002  
Original Award Date: 06/14/2002  
Buyer: MILLER, ALMA E  
Phone #: (401) 222 - 2142 ext. 124  
FOB: F.O.B., Destination  
  
Terms: Net 30

Change Order Number

2

Award Number

**68M00245181**

Effective Period:

06/01/2002 - 05/31/2005

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ADMINISTRATION  
MASTER PRICE AGREEMENT  
RELEASE AGAINST RI MPA

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ADMINISTRATION  
MASTER PRICE AGREEMENT  
RELEASE AGAINST RI MPA

Change Order Note: CHANGE ORDER #2

Department				Bid Number	C/O Req #
ADMINISTRATION		MPA-25		B00875	
Item	Class-Item	Bid #	Requisition #	Unit	Unit Price
	CHANGE ORDER #2  CHANGE TO PO #68M00245181 DATED 6/14/02.  ADD ITEM #41 AS FOLLOWS:  ITEM #41 PROTEIN - PROMOD POWER 9.7 OZ. - 6/CS. - \$50.00/CS.				

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STATE PURCHASING AGENT/DESIGNEE

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DATE RELEASED



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ABBOTT LABORATORIES INC  
ROSS PRODUCTS DIVISION  
DEPT 943/AP6C-3  
100 ABBOTT PARK RD  
ABBOTT PARK IL 60064

## DIETARY SUPPLEMENTS (MPA 25)

Amendment Date: 07/11/2002  
Original Award Date: 06/14/2002  
Buyer: MILLER, ALMA E  
Phone #: (401) 222 - 2142 ext. 124  
FOB: F.O.B., Destination  
  
Terms: Net 30

Change Order Number

1

Award Number

**68M00245181**

Effective Period:

06/01/2002 - 05/31/2005

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Change Order Note: CHANGE ORDER #1

Department				Bid Number	C/O Req #
ADMINISTRATION		MPA-25		B00875	
Item	Class-Item	Bid #	Requisition #	Unit	Unit Price
	CHANGE ORDER #1  CHANGE TO PO #68M00245181 DATED 6/14/02.  ADD THE FOLLOWING ITEM:  ITEM 44 ORAL SUPPLEMENTS, STANDARD, ENSURE BY ROSS 24/8OZ./CS. \$7.43/CS. AWARDED PER BID #B01179 - 7/2/02				

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V E N D O R	ABBOTT LABORATORIES INC ROSS PRODUCTS DIVISION DEPT 943/AP6C-3 100 ABBOTT PARK RD ABBOTT PARK, IL 60064	DIETARY SUPPLEMENTS (MPA 25)	
		Award Number <b>68M00245181</b>	Effective Period: <b>6/1/02 - 5/31/05</b>

S H I P T O	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA	Date: 06/14/2002 Buyer: ALMA MILLER Shipping: F.O.B., Destination Terms: Net 30	I N V O I C E	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA

Department		Bid Number	Requisition Number
ADMINISTRATION		MPA-25	B00875
Item		Unit	Unit Price
	6/1/02 - 5/31/05  MASTER PRICE AGREEMENT #25  THIS IS A NOTICE OF AWARD, NOT AN ORDER. Any quantity reference in the agreement or in the bid preceding it are estimates only and do not represent a commitment on the part of the state to any level of billing activity, other than for quantities or volumes specifically released during the term. No action is to be taken except as specifically authorized, as described herein under AUTHORIZATION AND RELEASE.  ENTIRE AGREEMENT - This NOTICE OF AWARD, with all attachments, and any release(s) against it shall be subject to: (1) the specifications, terms and conditions set forth in the Request/Bid Number cited herein, (2) the General Terms and Conditions of Contracts for the State of Rhode Island and (3) all provisions of, and the Rules and Regulations promulgated pursuant to, Title 37, Chapter 2 of the General Laws of the State of Rhode Island. This NOTICE shall constitute the entire agreement between the State of Rhode Island and the Vendor. No assignment of rights or responsibility will be permitted except with the express written permission of the State Purchasing Agent or his designee.  CANCELLATION, TERMINATION and EXTENSION - This Price Agreement shall automatically terminate as of the date(s) described under CONTRACT PERIOD unless this Price Agreement is altered by formal amendment by the State Purchasing Agent or his designee upon mutual agreement between the State and the Vendor.		

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
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V E N D O R	ABBOTT LABORATORIES INC ROSS PRODUCTS DIVISION DEPT 943/AP6C-3 100 ABBOTT PARK RD ABBOTT PARK, IL 60064	<b>DIETARY SUPPLEMENTS (MPA 25)</b>	
		Award Number <b>68M00245181</b>	Effective Period: <b>6/1/02 - 5/31/05</b>

S H I P T O	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA	Date: 06/14/2002 Buyer: ALMA MILLER Shipping: F.O.B., Destination Terms: Net 30	I N V O I C E	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA

Department		Bid Number	Requisition Number
ADMINISTRATION		MPA-25	B00875
Item		Unit	Unit Price
	<p>THIS IS A MULTI-YEAR BID/CONTRACT. PER RHODE ISLAND STATE LAW 37-2-33, CONTRACT OBLIGATIONS BEYOND FISCAL YEAR 2002 ARE SUBJECT TO AVAILABILITY OF FUNDS. CONTINUATION OF THE CONTRACT BEYOND THE INITIAL FISCAL YEAR WILL BE AT THE DISCRETION OF THE STATE. TERMINATION MAY BE EFFECTED BY THE STATE BASED UPON DETERMINING FACTORS SUCH AS UNSATISFACTORY PERFORMANCE OR THE DETERMINATION BY THE STATE TO DISCONTINUE THE GOODS/SERVICES, OR TO REVISE THE SCOPE AND NEED FOR THE TYPE OF GOODS/SERVICES; ALSO MANAGEMENT OWNER DETERMINATIONS THAT MAY PRECLUDE THE NEED FOR GOODS/SERVICES.</p> <p>STATEWIDE APPLICABILITY - Political Subdivisions (cities, towns, schools, quasi-public agencies), as authorized by law, may participate in this Agreement. All ordering and billing shall be between the vendor and the political subdivision (only).</p> <p>EVERY PERSON OR BUSINESS ENTITY PROVIDING GOODS OR SERVICES AT A COST OF \$5000 CUMULATED VALUE IS REQUIRED TO FILE AN AFFIDAVIT REGARDING POLITICAL CAMPAIGN CONTRIBUTIONS WITH THE RI STATE BOARD OF ELECTIONS EVEN IF NO REPORTABLE CAMPAIGN CONTRIBUTIONS HAVE BEEN MADE. (RI GENERAL LAW 17-27) FORMS OBTAINED AT BOARD OF ELECTIONS, CAMPAIGN FINANCE DIVISION, 50 BRANCH AVENUE, PROVIDENCE, RI 02904 (401-222-2056).</p> <p>THIS PURCHASE ORDER IS AWARDED SUBJECT TO EQUAL OPPORTUNITY COMPLIANCE.</p> <p>DIETARY SUPPLEMENTS</p> <p>ELEMENTAL/SEMI-ELEMENTAL</p>		

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Award Number      Effective Period:  
**68M00245181**      **6/1/02 - 5/31/05**

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Department		Bid Number	Requisition Number
ADMINISTRATION		MPA-25	B00875
Item		Unit	Unit Price
2.0	SEMI-ELEMENTAL-FREE AMINO ACIDS & PEPTIDES HIGH PROTEIN CALORIES: 1.0 - 1.3 CAL/ML. BRAND: VITAL HN BY ROSS STOCK #766 24 PKTS/CASE  ORAL SUPPLEMENTS	CASE	60.00
7.0	CALORIE DENSE CALORIES: 1.5 - 1.6 CAL/ML. BRAND: ENSURE PLUS BY ROSS  STOCK #: 50464 VANILLA 50466 CHOCOLATE 51742 EGGNOG 51740 COFFEE 50646 STRAWBERRY 51894 BUTTERPECAN 24/CASE	CASE	9.00
9.0	2.0 CALORIE CALORIES: 2.0 CAL/ML. BRAND: TWO CAL HN BY ROSS STOCK #: 729 VANILLA 54064 CHOCOLATE 24/CASE	CASE	13.00

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Department		Bid Number	Requisition Number
ADMINISTRATION		MPA-25	B00875
Item		Unit	Unit Price
11.0	GLUCOSE INTOLERANCE CALORIES: 0.9 - 1.3 CAL/ML. BRAND: GLUCERNA SHAKE BY ROSS STOCK #: 54328 VANILLA 54544 CHOCOLATE 54326 BUTTERPECAN 24/CASE	CASE	19.50
13.0	HIV CALORIES: 1.0 - 1.3 CAL/ML. BRAND: ADVERA BY ROSS STOCK #: 52452 VANILLA 51304 CHOCOLATE 24/CS. LIST PRICE SUBJECT TO CHANGE	CASE	43.20
16.0	HIGH CALORIES WOUND HEALING CALORIES: 1.3 - 1.5 CAL/ML. BRAND: NUTRIFOCUS BY ROSS STOCK # 55858 VANILLA 55860 CHOCOLATE 24/CASE  TUBE FEEDING CANS	CASE	14.00

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ADMINISTRATION		MPA-25	B00875
Item		Unit	Unit Price
18.0	STANDARD ISOTONIC CALORIES: 1 - 1.1 CAL/ML. BRAND: OSMOLITE BY ROSS STOCK #709 24/CASE	CASE	9.00
19.0	HIGH PROTEIN ISOTONIC CALORIES: 1.0 - 1.1 CAL/ML. BRAND: OSMOLITE BY ROSS STOCK #735 24/CASE.	CASE	9.00
20.0	HIGH PROTEIN W/FIBER CALORIES: 1.0 - 1.1 CAL/ML. BRAND: JEVITY BY ROSS STOCK #143 24/CASE	CASE	11.25
22.0	VERY HIGH PROTEIN CALORIES: 1.0 - 1.1 CAL/ML. BRAND: PROMOTE BY ROSS STOCK #50774 24/CASE	CASE	13.50

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Department		Bid Number	Requisition Number
ADMINISTRATION		MPA-25	B00875
Item		Unit	Unit Price
23.0	1.5 CALORIE DENSE CALORIES: 1.5 CAL/ML. BRAND: ENSURE PLUS HN BY ROSS STOCK #: 721 VANILLA 631 CHOCOLATE 24/CASE	CASE	13.00
24.0	2.0 CALORIE DENSE CALORIES: 2.0 CAL/ML. BRAND: TWO CAL HN BY ROSS 24/CASE	CASE	13.00
28.0	RENAL NON-DIALYSIS CALORIES: 2.0 CAL/ML. BRAND: SUPLINA BY ROSS STOCK #50164 24/CASE  READY-TO-HANG FEEDING FORMULAS	CASE	52.08
29.0	STANDARD ISOTONIC CALORIES: 1.0 - 1.1 CAL/ML. BRAND: OSMOLITE BY ROSS STOCK #50350 8/CASE	CASE	16.50

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Department		Bid Number	Requisition Number
ADMINISTRATION		MPA-25	B00875
Item		Unit	Unit Price
30.0	HIGH PROTEIN ISOTONIC CALORIES: 1.0 - 1.1 CAL/ML. BRAND: OSMOLITE HN BY ROSS STOCK #668 8/CASE	CASE	16.50
31.0	HIGH PROTEIN W/FIBER CALORIES: 1.0 - 1.1 CAL/ML. BRAND: JEVITY BY ROSS STOCK #682 8/CASE	CASE	20.25
32.0	VERY HIGH PROTEIN CALORIES: 1.0 - 1.1 CAL/ML. BRAND: PROMOTE BY ROSS STOCK #51616 8/CASE	CASE	18.00
33.0	VERY HIGH PROTEIN W/FIBER CALORIES: 1.0 - 1.3 CAL/ML. BRAND: PROMOTE W/FIBER BY ROSS STOCK #51874 8/CASE	CASE	18.00
34.0	1.2 CALORIE HIGH PROTEIN W/FIBER CALORIES: 1.2 CAL/ML. BRAND: JEVITY PLUS BY ROSS STOCK #53124 8/CS.	CASE	26.00

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Department		Bid Number	Requisition Number
ADMINISTRATION		MPA-25	B00875
Item		Unit	Unit Price
35.0	1.5 CALORIE DENSE CALORIES: 1.5 CAL/ML. BRAND: ENSURE PLUS HN BY ROSS STOCK #681 8/CASE	CASE	22.60
36.0	GLUCOSE INTOLERANCE CALORIES: 1.0 - 1.3 CAL/ML. BRAND: GLUCERNA BY ROSS STOCK #51026 8/CASE	CASE	37.50
37.0	HIGH CALORIE WOUND HEALING CALORIES: 1.3 - 1.5 CAL/ML. BRAND: PERATIVE BY ROSS STOCK #: 51948 8/CASE	CASE	52.11
38.0	HALF STRENGTH FORMULA CALORIES: .50 - .60 CAL/ML. BRAND: INTROLITE BY ROSS STOCK #669 8/CASE	CASE	24.00

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ADMINISTRATION		MPA-25	B00875
Item		Unit	Unit Price
39.0	ENTERAL REHYDRATION BRAND: EQUALTE BY ROSS STOCK #51402 8/CASE  MODULARS	CASE	33.02
40.0	CHO CALORIES: 2.0 CAL/ML. or 3.8 CALS/GM OF POWDER BRAND: POLYCOSE BY ROSS STOCK #431 48/CASE	CASE	64.89
41.0	PROTEIN - PROMOD POWER 9.7 OZ. 6/CASE  THE FOLLOWING REQUIREMENTS ARE FOR DISPOSABLES FOR ENTERAL PUMPS. PUMPS TO BE SUPPLIED AT NO CHARGE PER BID SPECIFICATIONS.  PUMP MUST HAVE FREE FLOW PREVENTION.	CASE	50.00
42.0	EXTERNAL NUTRITION BAG WITH ATTACHED PUMP SET 1000 ML BAG TOP FILLED - #52048 30/CASE  BAGS TO BE COMPATIALBE WITH PUMP. PUMP MUST HAVE FREE FLOW PREVENTION.	CASE	55.00

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Department		Bid Number	Requisition Number
ADMINISTRATION		MPA-25	B00875
Item		Unit	Unit Price
43.0	PUMP SET WITH UNIVERSAL PIERCING PIN (USE WITH PRE-FILLED CONTAINERS) STOCK #52040 30/CASE	CASE	41.00
44.0	ORAL SUPPLEMENTS, STANDARD BRAND: ENSURE BY ROSS 24/8OZ./CASE  DELIVERY OF GOODS OR SERVICES AS REQUESTED BY AGENCY.  VENDOR TELEPHONE #: 800-551-5838 VENDOR FAX #: 614-624-5674  CHANGE ORDER #1  CHANGE ORDER #2	CASE	7.43

This Notice of Award/Purchase Order is issued in accordance with the specific requirements described herein and the State's Purchasing Regulations and General Conditions of Purchase, copies of which are available at [www.purchasing.state.ri.us](http://www.purchasing.state.ri.us). Delivery of goods or services as described herein shall be deemed acceptance of these requirements.

COPY

STATE PURCHASING AGENT/DESIGNEE

## **TERMS AND CONDITIONS OF PRICING AGREEMENT**

**SCOPE AND LIMITATIONS** - This Agreement covers requirements as described herein, ordered by State agencies during the Agreement Period. No additional or alternative requirements are covered, unless added to the Agreement by formal amendment by the State Purchasing Agent or his designee.

Under State Purchasing Law, 37-2-54, "no purchase or contract shall be binding on the state or any agency thereof unless approved by the department [of administration] or made under general regulations which the chief purchasing officer may prescribe." Under State Purchasing Regulation 8.2.1.1.2, "any alleged oral agreement or arrangements made by a bidder or contractor with any agency or an employee of the Office of Purchases may be disregarded and shall not be binding on the state."

**PRODUCT ACCEPTANCE** - All merchandise offered or otherwise provided shall be new, of prime manufacture, and of first quality unless otherwise specified by the State. The State reserves the right to reject all nonconforming goods, and to cause their return for credit or replacement, at the State's option.

- a) Failure by the state to discover latent defect(s) or concealed damage or non-conformance shall not foreclose the State's right to subsequently reject the goods in question.
- b) Formal or informal acceptance by the State of non-conforming goods shall not constitute a precedent for successive receipts or procurements.

Where the vendor fails to cure the defect promptly or replace the goods, the State reserves the right to cancel the Release, contract with a different vendor, and to invoice the original vendor for any differential in price over the original contract price.

## **ORDER AUTHORIZATION AND RELEASE AGAINST PRICING AGREEMENT**

**In no event shall the Vendor deliver goods or provide service until such time as a duly authorized release document is certified by the ordering Agency.**

**State Agencies** shall request release as follows: All releases shall reference the Price Agreement number, the Contract Issue number, the item(s) covered, and the unit pricing in the same format as described herein.

A Department Purchase Order (DPO) listing the items ordered shall be created by the agency. The agency may mail or fax a copy of the order to the Vendor. In some cases the agency may request delivery by telephone, but must provide the Vendor with a DPO Order Number reference for billing purposes. Vendors are encouraged to require written orders to assure payments are processed accurately and promptly.

**DELIVERY** – If this is an MPA, Vendor will obtain "ship to" information from each participating agency. This information will be contained in the DPO. APA delivery information will be contained in the Notice of Award.

**PRICING** - All pricing shall be as described herein, and is considered to be fixed and firm for the term of the Agreement, unless specifically noted to the contrary herein. All prices include prepaid freight. Freight, taxes, surcharges, or other additional charges will not be honored unless reflected herein.

**INVOICING** – All invoices shall reference the DPO Order Number(s), Price Agreement number, the Contract Issue number, the item(s) covered, and the unit pricing in the same format as described herein. If this is an MPA, Vendor will obtain "bill to" information from each participating agency. This information will be contained in the DPO. APA billing information will be contained in the Notice of Award.

**PAYMENT** - Invoices for items not received, not priced according to contract or for work not yet performed will not be honored. No payment will be processed to any vendor for whom there is no IRS W-9 on file with the State Controller.